

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSHUA ADAM SCHULTE,

Plaintiff,

-v-

UNITED STATES OF AMERICA, TIMOTHY
VALENTINE, JOHN BARRETT, BRIAN
THIROWAY, MICHAEL SINKVICH, MARK BURNS,
MICHAEL GETCHEY, JAMEY WELCH, and
UNKNOWN BOP OFFICERS THAT HAVE NOT YET
BEEN IDENTIFIED,

Defendants.

20 Civ. 2795 (PGG) (GWG)

DEFENDANTS NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of Defendants' Motion to Dismiss the Amended Complaint, Defendants Timothy Valentine, John Barrett, Brian Thiroway, Michael Sinkvich, Mark Burns, Michael Getchey, and Jamey Welch, by their attorneys, Audrey Strauss, United States Attorney for the Southern District of New York, hereby move this Court for an order dismissing the amended complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

Dated: September 24, 2021
New York, New York

Respectfully submitted,

AUDREY STRAUSS
United States Attorney for the
Southern District of New York

By: /s/ Tara Schwartz
ELLEN BLAIN
TARA SCHWARTZ
Assistant United States Attorneys
86 Chambers Street, 3rd Floor
New York, New York 10007
Tel.: (212) 637-2793/2633
E-mail: ellen.blain@usdoj.gov
tara.schwartz@usdoj.gov